

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELENA IZKHAKOV, : *ECF Case*
: *12 Civ. 0348 (ALC)(MHD)*
Plaintiff, :
: *-against-* :
: :
EDUCATIONAL COMMISSION FOR :
FOREIGN MEDICAL GRADUATES, :
: :
Defendant. :
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**DECLARATION OF WILLIAM C. KELLY IN SUPPORT OF DEFENDANT'S MOTION
TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, WILLIAM C. KELLY, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746,
as follows:

1. I am over 18 years of age and am competent to submit this Declaration.
2. I am the Associate Vice President for Operations for Defendant Educational Commission for Foreign Medical Graduates (“ECFMG”) resident in ECFMG’s Philadelphia office and am authorized to make this Declaration on behalf of ECFMG.
3. The statements made in this Declaration are based on my personal knowledge and/or my review of the documents, which are maintained by ECFMG in the course of its regularly conducted business activities and are made at or near the time of the occurrence of the events which they reflect, by or from information transmitted by a person with knowledge. It is the regular practice of ECFMG to keep such records in the ordinary course of regularly conducted business activity.

4. ECFMG is a private not-for-profit corporation with its principal place of business in Philadelphia, Pennsylvania.

5. ECFMG has approximately 207 full time employees and 235 part time employees in Philadelphia, Pennsylvania.

6. ECFMG certifies that international medical graduates (“IMGs”) have met the minimum standards of eligibility for accredited residency and fellowship programs in the United States by verifying the validity of an IMG’s medical school diploma and final medical school transcript and ensuring that the IMGs have taken and passed certain standardized examinations.

7. ECFMG operates this certification process out of its Philadelphia office.

8. ECFMG’s On-Line Authentication Process is a prerequisite to submitting an application for the ECFMG certification examination.

9. On-line applications, including Dr. Elena Izhkhakov’s, are submitted to and processed in Philadelphia by ECFMG employees.

10. Allegations of “irregular behavior” are investigated by ECFMG staff, all of whom are located in Philadelphia.

11. After the ECFMG staff investigates, they refer allegations of “irregular behavior” to the ECFMG Education Credentials Committee for review.

12. The investigation concerning Dr. Izhkhakov’s application and allegations of “irregular behavior” was conducted out of ECFMG’s office in Philadelphia.

13. On May 11, 2010, the ECFMG Education Credentials Committee, at its meeting in Philadelphia, reviewed and made a decision regarding Dr. Izhkhakov’s case and designation of “irregular behavior.”

14. On October 14, 2011, the ECFMG Review Committee for Appeals, at its meeting in Philadelphia, considered and made a decision regarding Dr. Izhakov's appeal and designation of "irregular behavior."

15. I, William C. Kelly, will be prepared to testify regarding the facts concerning Dr. Izhakov's application to ECFMG, ECFMG's policies and procedures regarding "irregular behavior," the investigation into and hearing concerning Dr. Izhakov's "irregular behavior" and events subsequent thereto.

16. Stephen S. Seeling, Vice President for Operations for ECFMG will be prepared to testify regarding facts concerning Dr. Izhakov's application to ECFMG, ECFMG's policies and procedures regarding "irregular behavior," and Dr. Izhakov's appeal of the "irregular behavior" decision. Mr. Seeling works in ECFMG's Philadelphia office.

17. Kara Corrado, Manager of Operations Program Development for ECFMG, will be prepared to testify regarding the facts concerning Dr. Izhakov's application to ECFMG, ECFMG's policies and procedures regarding "irregular behavior," the investigation into and hearing concerning Dr. Izhakov's "irregular behavior" and events subsequent thereto. Ms. Corrado works in ECFMG's Philadelphia office.

18. All documents in ECFMG's possession, custody or control related to Dr. Izhakov's application process are maintained in ECFMG's Philadelphia office.

19. All correspondence in Dr. Izhakov's file was directed to, or originated in, ECFMG's Philadelphia office.

20. All efforts by ECFMG to investigate, deliberate, and/or adjudicate the allegations of "irregular behavior" related to Dr. Izhakov's application to ECFMG were undertaken in Philadelphia.

21. ECFMG is unaware of any witnesses, documents or other evidence located in the Southern District of New York that relate to Dr. Izkhakov's application to ECFMG, ECFMG's investigation into Dr. Izkhakov's application, the process by which ECFMG or its committees made a decision as to "irregular behavior," or any of the claims Dr. Izkhakov has asserted against ECFMG in this litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: March 19, 2012

William C. Kelly

